

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JULIE REDDICK,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF ENERGY,

Defendant.

NO: 4:15-CV-5114-RMP

PROTECTIVE ORDER

Pursuant to the Court's Orders at ECF Nos. 26 and 32, Defendant United States Department of Energy ("DOE") shall provide Plaintiff Julie Reddick an unredacted copy of the report prepared by DOE contractor Mark Van der Puy ("Van der Puy Report") as identified in the Court's Order at ECF No. 26, pursuant to the terms and conditions identified in this Protective Order.

1. This Protective Order ("Protective Order") shall govern the treatment and handling of the Van der Puy Report, which is an investigative record requested by Plaintiff Julie Reddick that DOE has withheld, claiming the protections of Exemption 5 of the Freedom of Information Act ("FOIA"). This document shall be

1 designated "CONFIDENTIAL" and each page shall be marked with the term
2 "CONFIDENTIAL."

3 2. Documents, materials, in whole or in part, or information designated
4 confidential pursuant to this Protective Order, and provided to Plaintiff Julie
5 Reddick, shall not be disclosed or disseminated except as needed to prepare
6 witnesses in the above-captioned litigation in any form, including but not limited to
7 electronic, printed form, paper notes or summaries or oral representations. All
8 persons having access to confidential information made available pursuant to this
9 Protective Order shall agree not to make any use of the confidential information
10 except in connection with the above-captioned litigation and shall further agree not
11 to deliver or transfer said confidential information in whole or in part via electronic
12 transmission, printed form, paper notes or summaries, or oral representations to any
13 person not previously authorized by the terms herein.

14 3. All copies of confidential information disclosed under this Protective
15 Order shall be subject to the same restrictions as imposed on the original
16 information.

17 4. All documents, materials, and information designated as confidential
18 and disclosed to any person pursuant to this Protective Order shall remain in the
19 possession only of the person to whom they are disclosed as provided by the
20 Protective Order. The parties may not retain any documents, materials, or
21 information designated as confidential pursuant to this Protective Order after the

1 conclusion of this litigation or the trial of this case, whichever comes first, except
2 pursuant to a Court Order.

3 5. Except as otherwise provided by law, upon completion of this
4 litigation, all documents and materials designated confidential and all copies
5 thereof, shall be returned to the producing party or certified by the parties as
6 shredded.

7 6. Documents, materials, and information designated as confidential
8 pursuant to this Protective Order may be disclosed in regular proceedings of this
9 Court. However, exhibits marked "CONFIDENTIAL" shall be: a) designated as
10 an exhibit containing confidential material subject to the Court's Protective Order;
11 and b) filed as a proposed sealed document, accompanying a motion to seal the
12 document, subject to the compelling interests test, *see Kamakana v. City & County*
13 *of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). As Plaintiff is proceeding *pro*
14 *se*, due to restrictions in the ECF administrative procedures, she must file a motion
15 to seal and the proposed sealed document by mail directed to: U.S. District Court,
16 P.O. Box 1493, Spokane, WA 99210-1493.

17 7. The confidential documents, materials, or information set forth in this
18 case may nonetheless be used at trial without limitation unless a party is granted a
19 motion for specific redactions by the Court.

20 8. No further modification or amendment of this Protective Order is
21 permitted except as approved by the Court. The parties hereto agree that it is

1 unreasonable to rely on any oral modification or amendment of this Protective
2 Order.

3 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
4 Order and provide copies to counsel and to *pro se* Plaintiff.

5 **DATED** February 15, 2017.

6 *s/ Rosanna Malouf Peterson*
7 ROSANNA MALOUF PETERSON
8 United States District Judge
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